

1 Joseph W. Cotchett (36324; jcotchett@cpmlegal.com)  
 2 Steven N. Williams (175489; swilliams@cpmlegal.com)  
 3 Nanci E. Nishimura (152621; nnishimura@cpmlegal.com)  
 4 Aron K. Liang (228936; aliang@cpmlegal.com)  
 5 Douglas Y. Park (233398; dpark@cpmlegal.com)

**COTCHETT, PITRE & McCARTHY**

6 San Francisco Airport Office Center  
 7 840 Malcolm Road, Suite 200  
 8 Burlingame, CA 94010  
 9 Telephone: (650) 697-6000  
 10 Facsimile: (650) 697-0577

11 Walter J. Lack (57550; wlack@elllaw.com)  
 12 Elizabeth L. Crooke (90305 ecrooke@elllaw.com)  
 13 Richard P. Kinnan (123170; rkinnan@elllaw.com)

**ENGSTROM LIPSCOMB & LACK**

14 10100 Santa Monica Blvd., 16<sup>th</sup> Floor  
 15 Los Angeles, CA 90067  
 16 Telephone: (310) 552-3800  
 17 Facsimile: (310) 552-9434

18 *Attorneys for Plaintiffs and the Class*

**UNITED STATES DISTRICT COURT****IN AND FOR NORTHERN DISTRICT OF CALIFORNIA**

18 **DONALD WORTMAN,**  
 19 **WILLIAM ADAMS,**  
 20 **MARGARET GARCIA,** individually and on  
 21 behalf of all others similarly situated,

22 Plaintiffs,  
 23 vs.

24 **AIR NEW ZEALAND,**  
 25 **ALL NIPPON AIRWAYS,**  
 26 **CATHAY PACIFIC AIRWAYS,**  
 27 **CHINA AIRLINES,**  
**EVA AIRWAYS,**  
**JAPAN AIRLINES INTERNATIONAL,**  
**MALAYSIA AIRLINES,**  
**NORTHWEST AIRLINES,**  
**QANTAS AIRWAYS,**  
**SINGAPORE AIRLINES,**  
**THAI AIRWAYS,**  
**UNITED AIRLINES,**  
 Defendants.

) **Case No. 07-CV-5634-CRB**

) **MDL No. 1913**

) **REQUEST FOR INTERNATIONAL  
JUDICIAL ASSISTANCE**

) **(LETTER ROGATORY)**

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28 **REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
(LETTER ROGATORY)  
Case No. 07-cv-5634-CRB; MDL No. 1913**

1       The United District Court for the Northern District of California, San Francisco Division,  
2 presents its compliments to the Appropriate Judicial Authority of Malaysia, and requests  
3 international assistance to effect service of process to be used in a Civil proceeding before this  
4 court in the above captioned matter.

5 **I. REQUEST**

6       This court requests the assistance described herein as necessary in the interests of justice.  
7 The assistance requested is that the Appropriate Judicial Authority of Malaysia effect Service of  
8 Process of: (1) Class Action Complaint *Wortman, et al. v. Air New Zealand, et al.*; (2) Civil  
9 Cover Sheet; (3) Summons in a Civil Case; (4) Notice of Assignment of Case to a United States  
10 Magistrate Judge for Trial; (5) Order Setting Initial Case Management Conference and ADR  
11 deadlines; (6) ECF Registration Information Handout; (7) Standing Order re Case Management  
12 Conference; (7) ADR Dispute Resolution Process; and (8) Order Granting Administrative  
13 Motion to Relate Cases, on the below named entity:

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15            MALAYSIA AIRLINES  
16            MAS Complex A  
17            Sultan Abdul Azia Shah Airport  
18            47200 Suband, Selangor Darui Ehsan, Malaysia

19       The Appropriate Judicial Authority of Malaysia is respectfully requested to:

20       (1) Serve the above mentioned documents, and the translations thereof, by personal  
21 service upon legal representatives of MALAYSIA AIRLINES at the above address or in a  
22 manner prescribed for the service of such documents under the laws of Malaysia; and  
23       (2) Return through diplomatic channels to this Court the proof of service along with a  
copy of the documents which were served.

24 **II. FACTS OF THE CASE**

25       On November 6, 2007, Plaintiffs, individually and on behalf of the class described below,  
26 filed the enclosed Class Action Complaint against Defendants for damages under the antitrust  
27 laws of the United States. Plaintiffs allege that Defendants conspired to fix, raise, maintain, and

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28 **REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
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Case No. 07-cv-5634-CRB; MDL No. 1913

1 stabilize the prices for long haul passenger transpacific flights to and from the United States, and  
2 for fixed fuel surcharges on this transportation, during the class period 2004 to August 2007.  
3 Plaintiffs bring this action to recover damages, including treble damages, injunctive relief, costs  
4 of suit, and reasonable attorneys' fees caused by Defendants' violations of the Sherman Act, 15  
5 U.S.C. § 1. MALAYSIA AIRLINES is among the Defendants alleged to have participated in  
6 this price-fixing conspiracy.

7 **III. RECIPROCITY**

8 The United States District Court for the Northern District of California, San Francisco  
9 Division, expresses its willingness to provide similar assistance to the Appropriate Judicial  
10 Authority of Malaysia.

11 **IV. REIMBURSEMENT OF COSTS**

12 The United States District Court for the Northern District of California, San Francisco  
13 Division, order Plaintiffs to reimburse the Appropriate Judicial Authority of Malaysia and/or the  
14 U.S. Department of State for costs incurred in executing this Letter Rogatory. Plaintiffs shall  
15 reimburse the Appropriate Judicial Authority of Malaysia and/or the U.S. Department of State for  
16 any expenses incurred in connection with the execution of this Letter Rogatory. Please contact  
17 Plaintiffs' counsel before exceeding the amount of US \$1,500. Plaintiffs' counsel is: Steven N.  
18 Williams, Cotchett, Pitre & McCarthy, 840 Malcolm Road, Suite 200, Burlingame, California  
19 94010, United States of America; phone (650) 697-6000; fax (650) 697-0577 ; e-mail:  
20 swilliams@cpmlegal.com.

21 In acknowledgment of the additional time which is needed to prepare and file an Answer  
22 to the attached documents, the time period for answering is extended to forty-five (45) days after  
23 service.

24 The Court extends to the judicial authorities of Malaysia assurances of its highest  
25 consideration.

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6 DATED: February 01, 2008

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8 [COURT SEAL]



9  
10 Honorable Charles R. Breyer  
11 United States District Judge  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15 450 Golden Gate Avenue  
16 Courtroom 8, 19<sup>th</sup> Floor  
17 San Francisco, California 94102  
18 United States of America  
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